

# **OFFICIAL CITY COUNCIL AGENDA**



Wednesday, April 14, 2004

**7:00 PM**

**City Administrative Offices**

17801 NW 2<sup>nd</sup> Avenue, Suite 201

Miami Gardens, Florida 33169



## **CITY OF MIAMI GARDENS CITY COUNCIL MEETING AGENDA**

Meeting date: April 14 2004  
Administrative Offices, Suite 201  
17801 NW 2<sup>nd</sup> Avenue, Miami Gardens, Florida  
Next Regular Meeting Date: April 28, 2004  
Phone: (305) 653-3944 Fax: (305) 653-3955  
Website: [www.miamigardens-fl.gov](http://www.miamigardens-fl.gov)  
Time: 7:00 p.m.

Mayor Shirley Gibson  
Vice Mayor Aaron Campbell  
Councilman Melvin L. Bratton  
Councilman Oscar Braynon, II  
Councilwoman Audrey J. King  
Councilwoman Sharon Pritchett  
Councilwoman Barbara Watson  
City Manager Danny O. Crew  
City Attorney Sonja Knighton  
City Clerk Ronetta Taylor

**City of Miami Gardens Ordinance No. 2004-02-18 requires all lobbyists before engaging in any lobbying activities to register with the City Clerk and pay an annual fee of \$250.00. This applies to all persons who are retained (whether paid or not) to represent a business entity or organization to influence "City" action. "City" action is broadly described to include the ranking and selection of professional consultants, and virtually all-legislative, quasi-judicial and administrative action. All not-for-profit organizations, local chamber and merchant groups, homeowner associations, or trade associations and unions must also register however an annual fee is not required.**

- 1. CALL TO ORDER/ROLL CALL OF MEMBERS:**
- 2. INVOCATION:**
- 3. PLEDGE OF ALLEGIANCE:**
- 4. APPROVAL OF MINUTES:**
  - 4A) Approve Minutes of City Council Meeting of:**  
Regular Council Meeting - March 24, 2004
- 5. AGENDA/ORDER OF BUSINESS (ADDITIONS/DELETIONS/**

**AMENDMENTS):**

**6. SPECIAL PRESENTATION(S):**

**7. ORDINANCES FOR FIRST READING:**

- 7A AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE IMPOSITION OF LIEN SEARCH FEES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

**8. ORDINANCES FOR SECOND READING (PUBLIC HEARINGS):**  
None

**9. PUBLIC COMMENT – 10 MINUTES**

**10. RESOLUTIONS:**

- 10A) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING A WAIVER OF PLAT REQUIREMENT FOR PROPERTY GENERALLY LOCATED AT NORTHWEST 161ST STREET AND NORTHWEST 42ND AVENUE; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.. (SPONSORED BY THE CITY MANAGER)**

- 10B) A RESOLUTION OF THE CITY OF MIAMI GARDENS, AUTHORIZING MIAMI-DADE COUNTY TO REVOKE THE CERTIFICATE OF USE AND OCCUPANCY ISSUED TO B & M BROTHERS RESTAURANT LOCATED AT 2732 N.W. 183RD STREET IN MIAMI GARDENS, FLORIDA; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY ATTORNEY)**

- 10C) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AWARDING A BID TO BENCH ADS MANAGEMENT OF SOUTH FLORIDA, INC., TO PROVIDE BUS BENCHES AND TO ADVERTISE ON THE SAME; AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY STEPS TO EFFECTUATE AN AGREEMENT WITH BUS BENCH ADS MANAGEMENT OF SOUTH FLORIDA, INC.; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

**11. REPORT OF THE CITY ATTORNEY**

**12. REPORTS OF CITY MANAGER**

**13. REPORTS OF MAYOR AND COUNCIL MEMBERS**

12A) GENERAL REPORTS FROM MAYOR AND COUNCIL MEMBERS

**14. REQUESTS, PETITIONS & OTHER COMMUNICATIONS FROM THE PUBLIC:**

**14A) PUBLIC COMMENTS – 20 MINUTES**

**15. SPECIAL PRESENTATION(S)**

**16. ADJOURNMENT:**

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS WHO ARE DISABLED AND WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT WILLIAM GREEN (305) 653-3944, NOT LATER THAN 48 HOURS PRIOR TO SUCH PROCEEDING.

ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM MAY CONTACT WILLIAM GREEN (305) 653-3944.

ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE CITY OF MIAMI GARDENS WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

**Please turn-off all beepers and cellular telephones to avoid interrupting the council meeting.**

# *City of Miami Gardens*

17801 NW 2<sup>nd</sup> Avenue, Suite 201  
Miami Gardens, Florida 33169

Mayor Shirley Gibson  
Vice Mayor Aaron Campbell  
Councilman Melvin L. Bratton  
Councilman Oscar Braynon II  
Councilwoman Audrey King  
Councilwoman Sharon Pritchett  
Councilwoman Barbara Watson

## MEMORANDUM

**To:** The Honorable Mayor and City Council Members

**From:** Dr. Danny O. Crew, City Manager

**Date:** April 14, 2004

**Re:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING LIEN SEARCH FEES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

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### **RECOMMENDATION:**

It is recommended that the City Counsel adopt the ordinance thereby establishing lien research fees.

### **REASONS:**

The City of Miami Gardens receives requests from private companies to provide information regarding code enforcement liens. It is the City's objective to reimburse the General Fund for lien research expenses so that these costs are not passed on to the general taxpayer.

CC: Christopher D. Steers, Assistant to the City manager

**ORDINANCE NO. 2004-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE IMPOSITION OF LIEN SEARCH FEES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Miami Gardens receives requests from private companies to provide information regarding code enforcement liens, and

**WHEREAS**, there are costs to the taxpayer when these private companies request City staff to verify these liens, and

**WHEREAS**, it is the City's objective to reimburse the General Fund for lien research expenses, and

**WHEREAS**, the Office of the City Manager has recommended a fee and has provided it for consideration by the City Council.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:**

SECTION 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas Clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

SECTION 2. IMPOSITION OF LIEN SEARCH FEE: The following lien research fees apply for requests made to the City:

A. For responses within twenty-four 24 Hours or less \$50.00

B. For response within seven (7) calendar days or less \$25.00

The requesting party shall also be responsible for all expenses incurred for complying with such request including all postage and express mail fees.

SECTION 3. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent

jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. INCLUSION IN CODE: It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word.

SECTION 6. EFFECTIVE DATE: This ordinance shall take effect ten (10) days after adoption on second reading.

PASSED on first reading this 14th day of April, 2004.

PASSED AND ADOPTED on second reading This \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
SHIRLEY GIBSON, MAYOR

ATTEST:

\_\_\_\_\_  
RONETTA TAYLOR, CMC, CITY CLERK

Reviewed by SONJA K. KNIGHTON, ESQ.  
City Attorney

SPONSORED BY: Danny O. Crew, City Manager

MOVED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

**VOTE:**

Mayor Gibson	____(Yes)	____(No)
Vice Mayor Campbell	____(Yes)	____(No)
Councilman Melvin L. Bratton	____(Yes)	____(No)
Councilman Oscar Braynon, II	____(Yes)	____(No)
Councilwoman Audrey J. King	____(Yes)	____(No)
Councilwoman Sharon Pritchett	____(Yes)	____(No)
Councilwoman Barbara Watson	____(Yes)	____(No)



RESOLUTION No. 2004-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING A WAIVER OF PLAT REQUIREMENT FOR PROPERTY GENERALLY LOCATED AT NORTHWEST 161ST STREET AND NORTHWEST 42ND AVENUE; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

1 WHEREAS, "Rebuilding Our Community" has applied to Miami-Dade County for a  
2 waiver of the platting requirements for property generally located at Northwest 161st  
3 Street and Northwest 42nd Avenue in the City of Miami Gardens, and

4 WHEREAS, Miami-Dade County has recommended that the request for waiver of  
5 plat requirements be approved, certain to subject conditions which include insuring that a  
6 public water supply and sewer system be utilized to serve the entire subdivision and that  
7 the "specimen size" trees on the property be preserved wherever reasonably possible on  
8 the site, and

9 WHEREAS, City staff has reviewed the application for waiver of plat, and has no  
10 objection thereto, and

11 WHEREAS, M. & M. Developers asserts that "Rebuilding Our Communities" has  
12 transferred ownership of the property to it,

13 NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY  
14 OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

15 Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas  
16 paragraphs are hereby ratified and confirmed as being true, and the same are hereby  
17 made a specific part of this Resolution.

18 Section 2. APPROVAL OF WAIVER OF PLAT REQUIREMENTS: The City



Resolution No. 2004-

Council for the City of Miami Gardens hereby approves the application for waiver of platting requirements filed by "Rebuilding Our Community" pursuant to Section 28-4.1 of the Miami-Dade County Code of Ordinances, subject to the following conditions:

1. That a public water supply and sewer system be utilized to serve the entire subdivision; and

2. That all "specimen size" trees be preserved on the site wherever reasonably possible pursuant to Section 24-60 of the Miami-Dade County Code of Ordinances.

Section 3. EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON APRIL 14, 2004.

SHIRLEY GIBSON, MAYOR

ATTEST:

RONETTA TAYLOR, CMC, CITY CLERK

Prepared by SONJA K. KNIGHTON, ESQ.  
City Attorney

Resolution No. 2004-

SPONSORED BY: Danny Crew, City Manager

MOVED BY:

**VOTE:**

Mayor Gibson	___(Yes)	___(No)
Vice Mayor Campbell	___(Yes)	___(No)
Councilman Melvin L. Bratton	___(Yes)	___(No)
Councilman Oscar Braynon, II	___(Yes)	___(No)
Councilwoman Audrey J. King	___(Yes)	___(No)
Councilwoman Sharon Pritchett	___(Yes)	___(No)
Councilwoman Barbara Watson	___(Yes)	___(No)

SKK:pkw

**METROPOLITAN DADE COUNTY PLAT COMMITTEE  
NOTICE OF ACTION**

Plat No.: D-21159 --- 2-R.A.

Sec. 17      Twn. 52      Rng. 41

Municipality: MIAMI *GARDENS*

Zoning: RU-1

Name: (REBUILDING OUR COMMUNITY)

Location by Streets: NW 161 ST. & NW 42 AVE

District: 1

Owner: REBUILDING OUR COMMUNITY

1800 W. 49 ST.

HIALEAH, FL 33012

PHONE: (305)825-0834

Surveyor: JOSE SENAS PSM

7830 NW 174 TERR

MIAMI, FL 33015

PHONE: (305)362-2742

This is to advise you that on March 12, 2004 the Dade County Plat Committee reviewed the above plat and that the same was:

\_\_\_\_\_ Recommended approval as a Tentative Plat, the requirement for platting has not been waived subject to the conditions indicated on the attached action copy.

\_\_\_\_\_ Recommended approval subject to conditions indicated on action copy

☒ Approved as a: *WAIVER OF PLAT*

\_\_\_\_\_ Deferred for reasons indicated below...

\_\_\_\_\_ Not approved for the reasons indicated below...

# Juan Jose Leon

AR 0009671

Architects / Designer / Planners

5733 NW 151st Street  
Miami Lakes, Florida 33014  
Tel/Fax 305 557-0907

March 29, 2004

City of Miami Gardens  
17801 NW 2<sup>nd</sup> Avenue, Suite 201  
Miami Gardens, Florida 33169

Re: Waiver Of Plat: # D-21159  
Folio: 34 2117 004 0310

Gentlemen:

As the Owners representative on the above Waiver of Plat we are providing this letter to advise you on the following change.

The land has change ownership after the waiver was in process and Rebuilding Our Community is no longer the owner. The new owner is M. & M. Developers, Inc. 8004 NW 154 Street, #320 Miami Lakes FL 33016

Also we are providing copies of the Quit Claim Deed showing the change in Ownership.

Should you have any question or need additional information, please do not hesitate to contact me.

Sincerely,



Juan Jose Leon

This Instrument Prepared By:  
Jeffrey E. Lehrman, Esquire

Transamerica Title Services  
Tel. (305) 460-4447

### QUIT CLAIM DEED

THIS QUIT CLAIM DEED, executed this 31<sup>ST</sup> day of July, 2003, by Rebuilding Our Community, Inc., whose post office address is 10661 N Kendall Drive Suite 201 Miami, Florida 33176 GRANTOR, to M & M Developers, Inc. whose post office address is 8515 NW 165 Street, Miami Lakes, Florida 33016, GRANTEES:

(Wherever used herein the terms "first party" and "second party" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

WITNESSETH, That the said first party, for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid by the said second party, the receipt whereof is hereby acknowledged, do hereby remise, release and quit-claim unto the said party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Miami-Dade, State of Florida, to wit:

See attached legal descriptions as Exhibit A

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behalf of the said second party forever.

IN WITNESS WHEREOF, the said first party has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered  
in the presence of:

Print Name

Print Name:

Rebuilding Our Community, Inc.,

By: Miguel Chamah, President

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared Miguel Chamah, President of Rebuilding Our Community, Inc., to me known to be the person described in and who executed the foregoing instrument and he acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 31<sup>ST</sup> day of July, 2003.

Notary Public,

Name:

My commission expires



## **EXHIBIT "A"**

### **LEGAL DESCRIPTION**

#### **PARCEL 1**

Lot 4 and the West 22.50 feet of Lot 5 Block 1 of MONGIELLO MANOR according to the Plat thereof recorded in Plat Book 69, Page 72 of the Public Records of Miami-Dade County, Florida.

Folio # 08-2122-022-0040

#### **PARCEL 2**

Lot 11 Block 2 of GOLDEN GARDENS according to the Plat thereof recorded in Plat Book 23, Page 53 of the Public Records of Miami-Dade County, Florida.

Folio # 30-2104-002-0040

#### **PARCEL 3**

Lot 12 Block 2 of GOLDEN GARDENS according to the Plat thereof recorded in Plat Book 23, Page 53 of the Public Records of Miami-Dade County, Florida.

Folio # 30-2104-002-0041

#### **PARCEL 4**

Lot 13 Block 2 of GOLDEN GARDENS according to the Plat thereof recorded in Plat Book 23, Page 53 of the Public Records of Miami-Dade County, Florida.

Folio # 30-2104-002-0042

#### **PARCEL 5**

Lot 14 Block 2 of GOLDEN GARDENS according to the Plat thereof recorded in Plat Book 23, Page 53 of the Public Records of Miami-Dade County, Florida.

Folio # 30-2104-002-0043

PARCEL 6

Lot 15 Block 2 of GOLDEN GARDENS according to the Plat thereof recorded in Plat Book 23, Page 53 of the Public Records of Miami-Dade County, Florida.

Folio # 30-2104-002-0044

PARCEL 7

Lots 1 through 10 inclusive, less the West 10.00 feet thereof and Lot 20 Block 2 of GOLDEN GARDENS according to the Plat thereof recorded in Plat Book 23, Page 53 of the Public Records of Miami-Dade County, Florida.

Folio # 30-2104-002-0030

PARCEL 8

Lot 10 less the North 92.00 feet of the West 100 feet of Lot 11 less the West 280 feet of the South 92 feet Block 1 of LITTLE RIVER FARMS according to the Plat thereof recorded in Plat Book 44, Page 39 of the Public Records of Miami-Dade County, Florida.

Folio # 30-2134-005-0100

PARCEL 9

The North 80.00 feet of the South 160.00 feet of the West 107.36 feet of Tract 9 REVISED PLAT OF VENETIAN GARDENS according to the Plat thereof recorded in Plat Book 31, Page 37 of the Public Records of Miami-Dade County, Florida.

Folio # 30-2117-004-0841

PARCEL 10

The North 120.00 feet of the West 1/2 of Tract 10 REVISED PLAT OF VENETIAN GARDENS according to the Plat thereof recorded in Plat Book 31, Page 37 of the Public Records of Miami-Dade County, Florida.

Folio # 30-2117-004-0910



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The South 60.00 feet of the North 240.00 feet of the West 1/2 of Tract 10 REVISED PLAT OF VENETIAN GARDENS according to the Plat thereof recorded in Plat Book 31, Page 37 of the Public Records of Miami-Dade County, Florida.

Folio # 30-2117-004-0980

PARCEL 13

The North 80.00 feet of the South 280.00 feet of the East 1/2 of Tract 4 REVISED PLAT OF VENETIAN GARDENS according to the Plat thereof recorded in Plat Book 31, Page 37 of the Public Records of Miami-Dade County, Florida.

Folio # 30-2117-004-0310

PARCEL 14

The East 75.00 feet of the West 232.50 feet of the North 120.00 feet of Tract 24 REVISED PLAT OF VENETIAN GARDENS according to the Plat thereof recorded in Plat Book 31, Page 37 of the Public Records of Miami-Dade County, Florida.

Folio # 30-2117-004-1670

The North 120.00 feet of the East 1/2 of Tract 10 REVISED PLAT OF VENETIAN GARDENS according to the Plat thereof recorded in Plat Book 31, Page 37 of the Public Records of Miami-Dade County, Florida.

Folio # 30-2117-004-0950

PARCEL 16

The South 80.00 feet of the North 280.00 feet of the East 1/2 of Tract 10 REVISED PLAT OF VENETIAN GARDENS according to the Plat thereof recorded in Plat Book 31, Page 37 of the Public Records of Miami-Dade County, Florida.

Folio # 30-2117-004-0960

PARCEL 17

The South 80.00 feet of the North 200.00 feet of the East 107.37 feet of Tract 10 REVISED PLAT OF VENETIAN GARDENS according to the Plat thereof recorded in Plat Book 31, Page 37 of the Public Records of Miami-Dade County, Florida.

Folio # 30-2117-004-0900

PARCEL 18

The South 120.00 feet of the North 360.00 feet West 1/2 of Tract 10 REVISED PLAT OF VENETIAN GARDENS according to the Plat thereof recorded in Plat Book 31, Page 37 of the Public Records of Miami-Dade County, Florida.

Folio # 30-2117-004-0890

PARCEL 19

Lot 1 Block 82 of CAROL CITY SECOND ADDITION according to the Plat thereof recorded in Plat Book 65, Page 78 of the Public Records of Miami-Dade County, Florida.

Folio # 30-2105-002-2450

PARCEL 20

Lot 28 Block 82 of CAROL CITY SECOND ADDITION according to the Plat thereof recorded in Plat Book 65, Page 78 of the Public Records of Miami-Dade County, Florida.

Folio # 30-2105-002-2720

PARCEL 21

Lot 17 Block 6 of STONEYBROOK ESTATES according to the Plat thereof recorded in Plat Book 65, Page 30 of the Public Records of Miami-Dade County, Florida.

Folio # 30-2110-009-1140

## *City of Miami Gardens*

17801 NW 2<sup>nd</sup> Avenue, Suite 201  
Miami Gardens, Florida 33169

Mayor Shirley Gibson  
Vice Mayor Aaron Campbell  
Councilman Melvin L. Bratton  
Councilman Oscar Braynon II  
Councilwoman Audrey King  
Councilwoman Sharon Pritchett  
Councilwoman Barbara Watson

### MEMORANDUM

**To: The Honorable Mayor &  
City Council Members**

**From: Dr. Danny O. Crew  
City Manager**

**Date: April 14, 2004**

**Re: Resolution revoking Certificate of Use and Occupancy issued to B &  
M Brothers Restaurant.**

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#### **RECOMMENDATION:**

The attached resolution is on for your consideration and adoption.

#### **REASONS:**

This item was brought forward by Miami-Dade County. Representatives from Miami-Dade County will be present to present the relevant issues involved.

[illegible]

**A RESOLUTION OF THE CITY OF MIAMI GARDENS, AUTHORIZING MIAMI-DADE COUNTY TO REVOKE THE CERTIFICATE OF USE AND OCCUPANCY ISSUED TO B & M BROTHERS RESTAURANT LOCATED AT 2732 N.W. 183RD STREET IN MIAMI GARDENS, FLORIDA; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Miami-Dade County issued a Certificate of Use and Occupancy ("C.O.") for property located at 2732 N.W. 183rd Street, Miami, Gardens, Florida, on December 20, 2001, and

**WHEREAS**, the C.O. was issued for a restaurant use, and

**WHEREAS**, the property was apparently converted to a restaurant use, without a building permit being issued, and

**WHEREAS**, according to Miami-Dade County, the C.O. should not have been issued in light of the fact that a building permit was not properly issued, and

**WHEREAS**, in light of the fact that the property is located in Miami Gardens, prior to revoking the C.O. for the property, Miami-Dade County requires the authorization of the City of Miami Gardens.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:**

**Section 1.** ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

**Section 2.** APPROVAL: Miami-Dade County is hereby authorized to revoke the Certificate of Use and Occupancy for the property located at 2732 N.W. 183rd Street, operating as B & M Brothers Restaurant.

**Section 3.** EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON APRIL 14, 2004.

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SHIRLEY GIBSON, MAYOR

ATTEST:

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RONETTA TAYLOR, CMC, CITY CLERK

Prepared by SONJA K. KNIGHTON, ESQ.  
City Attorney

SPONSORED BY: City Manager

MOVED BY: \_\_\_\_\_

**VOTE:**

Mayor Gibson	___(Yes)	___(No)
Vice Mayor Campbell	___(Yes)	___(No)
Councilman Melvin L. Bratton	___(Yes)	___(No)
Councilman Oscar Braynon, II	___(Yes)	___(No)
Councilwoman Audrey J. King	___(Yes)	___(No)
Councilwoman Sharon Pritchett	___(Yes)	___(No)
Councilwoman Barbara Watson	___(Yes)	___(No)



DEPARTMENT OF PLANNING AND ZONING

MAIN OFFICE

111 NW 1 STREET, SUITE 1210  
MIAMI, FLORIDA 33128  
(305) 375-2800

MAR 25 2004  
RECEIVED  
JAMES C. BRADY & ASSOCIATES

PERMITTING AND INSPECTION OFFICE

11805 S.W. 26 Street  
MIAMI, FLORIDA 33175

- ☐ IMPACT FEE SECTION  
(786) 315-2670 • SUITE 145
- ☐ ZONING INSPECTION SECTION  
(786) 315-2660 • SUITE 223
- ☐ ZONING PERMIT SECTION  
(786) 315-2666 • SUITE 106
- ☐ ZONING PLANS PROCESSING SECTION  
(786) 315-2650 • SUITE 113

March 23, 2004

Sonja Knighton, Esq.  
501 NE 8 Street  
Fort Lauderdale, FL 33304

Re: 2732 NW 183 Street, Miami Gardens, Florida; B and M Restaurant

Dear Ms. Knighton:

It was a pleasure speaking with you last week regarding the above referenced matter. As promised I have included herein the details of the situation and will await your decision and/or that of the Miami Gardens Council as to how to proceed.

My office received information regarding a Certificate of Use and Occupancy (CO) issued on December 20, 2001, for a restaurant at 2732 NW 183 Street, Miami Gardens, Florida. A restaurant, known as B & M Brothers Restaurant, is currently operating at that location. According to the official zoning records of Miami-Dade County, the site is zoned BU-2, Special Business District, which allows for a restaurant use. Prior to its conversion to a restaurant the space was utilized as a retail store.

At the time this CO was issued, the Department of Planning and Zoning routinely required that a CO applicant obtain a building permit for the conversion of a retail use into a restaurant use. Miami-Dade County Building Department's records do not indicate that any building permit was obtained for this conversion. However, in July 2000, a propane gas contractor did obtain a permit (permit #2000087731) for a propane gas facility, work that has failed inspection three times.

While the CO appears to have been erroneously issued for the restaurant, please be advised that typically the County's practice has been to not revoke a Certificate of Use once issued for an allowable business at an appropriately-zoned location, but rather the County takes enforcement action in a consistent and progressive manner so as to bring the violations to an end.

It should be noted that the Building Department has two enforcement cases opened, one for an expired permit and the second for work without a permit. The property owner has

Sonja Knighton, Esq.

March 23, 2004

Page 2

received a ticket for the expired permit, but only the tenant received a ticket for the work without a permit. It is now my understanding that the Building Department will be issuing the property owner a warning notice for this violation, a notice that allows 30 days to obtain the necessary permits before a ticket will be issued.

In our telephone conversation, we discussed having this matter brought before the City Council as a whole or the City Manager for a determination as to if the CO should be revoked. You will note that I have enclosed to this correspondence a copy of the CO in question.

Please know that this office is pleased to provide the City of Miami Gardens with any assistance needed in planning and zoning matters. As such, I would be happy to meet with you to discuss this issue and/or attend any meeting of the Council when this issue is raised.

Sincerely,



Diane O'Quinn Williams

Director

Enclosure

c: Charles Danger, Director, Building Department  
Shelby J. Williams, Special Agenda, Office of Inspector General  
Jim Byers, Department of Planning and Zoning



MAINT DEPARTMENT OF PLANNING DEVELOPMENT AND REGULATION

RN7M1629

USE SPECIFICS BEER &amp; WINE INSIDE RESTAURANT

APPLICATION TYPE P PERMANENT

REN CODE

METERS

1

CERTIFICATE TYPE A ALCOHOL

LIQUOR X BEER X WINE

EXPIRATION DATE

RENEWAL DATE

CONDITIONS TRANSFER

TOTAL FEE PAID 108.30

LEGAL PB 2-96

MIAMI GDNS REV 28.765 AC M/L

NEXT SCREEN

NEXT KEY

INQUIRE COMPLETED. ENTER NEXT PROCESS NUMBER AND DEPRESS ENTER

## *City of Miami Gardens*

17801 NW 2<sup>nd</sup> Avenue, Suite 201  
Miami Gardens, Florida 33169

Mayor Shirley Gibson  
Vice Mayor Aaron Campbell  
Councilman Melvin L. Bratton  
Councilman Oscar Braynon II  
Councilwoman Audrey King  
Councilwoman Sharon Pritchett  
Councilwoman Barbara Watson

### MEMORANDUM

**To:** The Honorable Mayor and City Council Members

**From:** Dr. Danny O. Crew, City Manager

**Date:** April 1, 2004

**Re:** RFP for bus bench advertising.

The City advertised for, and has received 3 proposals, to place advertising on public benches throughout the City. Bids were received from Martin Outdoor Media, Bench Ads Management (BMA), and Gateway Advertising. Below is a tabulation of the revenue expected under each bid. I have also attached an analysis of the bids received.

Firm	Per Bench Revenue per year: Existing Benches	Estimated number of Existing Benches	Estimated Revenue from Existing Benches	Per Bench Revenue per year: New Benches	Estimated number of new Benches	Estimated Revenue from New Benches	Total Revenue to the City under the contract
Martin	\$17,000*	300	\$5,100,000	\$3,000*	300	\$900,000	\$6,000,000
BAM	\$125	300	\$37,500	\$125	300	\$37,500	\$75,000**
Gateway	\$100	300	\$30,000	\$100	300	\$30,000	\$60,000

\* Note: For an 18 month period rather than 12 months. City has since received a letter informing us that these figures are incorrect.

\* Note: Plus an additional \$30,000 if City sells existing benches.

**Recommendation:** All bids were responsive to the RFP and met the minimum requirements of the bids. Subsequent to the bid opening, the City received an e-mail from Martin Outdoor that they had made an error in their calculations and asked to change their bids.

The most basic principal of bidding is that bid amounts cannot be changed once bids are open, thus, based on the remaining responses, I recommend that the City award the contract to Bench Ads Management and that staff be authorized to negotiate a contract for Council consideration. I recommend that this award be subject to the City waiving any minor irregularities in the bids. This item will be placed on the Agenda for April 14<sup>th</sup> for City Council consideration.

## Bench Ad Bids

Bid	Bond	Insurance Certificate	Reference List	Signed Proposal	Signed Trash Addendum	Occupational License	Per Bench Offer/existing	Per Bench Offer/New	Exceptions To RFP	Trash Cleanup
Y		N	Y	Y - Seal	Y	N	\$17,000/18mo	\$3,000/18mo	N	1x/wk
Y		Y	Y	Y - Seal	Y	N	125/yr	\$125/yr	N	Y
Y		N	N	Y - Seal	Y	N	100/yr	100/yr	N	2x/mo

= required

### Additions To RFP

None
Will purchase all existing for cash = approx. \$ 30,000; 25 Pub Svc Benches; \$2,000/year to Charity of Choice
30 Pub Svc. Benches; 40% disc. Local Businesses

### Analysis

The City received three bids for bnch advertising services. Each bid met the minimum information requirements contained in the document sufficient to make a reasonable analysis. Prices offered by Bench Ads Mgt. (BAM) and Gateway were within expectations with BAM offering slightly more per month per bench. Revenue offered by Martin is substantial greater.

Two of the bidders offered additional incentive as add-ons to their contract. Gateway offered 30 public service benches and a 40% discount to local business while BAM offer to purchase the City existing benches for \$30,000 up front. They also offered 25 public service benches and a donation to charity.

References were provided by Martin and BMA and checked at random. Martin's references were good. BMA's references were mixed - some good and some not good. Most of the not good references revolved around payment problems. Payment problem negatives were discounted due to the up-front payment nature of this contract.

Subsequent to the bid opening, the City received an e-mail from Martin informing us that their dollar amounts were incorrect. They asked to be allowed to change them. The purpose of the bid process is to provide a level playing field and allowing such a major change in bid terms after the bids have been opened would frustrate this principal.

major change in bid terms after the bids have been opened would frustrate this principal.

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**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA AWARDDING A BID TO BENCH ADS MANAGEMENT OF SOUTH FLORIDA, INC., TO PROVIDE BUS BENCHES AND TO ADVERTISE ON THE SAME; AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY STEPS TO EFFECTUATE AN AGREEMENT WITH BENCH ADS MANAGEMENT OF SOUTH FLORIDA, INC.; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, there are a number of bus benches located throughout the City of Miami Gardens, and

**WHEREAS**, the City issued a Request for Proposal ("RFP") for services relating to the bus benches and bus bench advertising, and

**WHEREAS**, three bids received in response to the RFP, were open and evaluated, and

**WHEREAS**, Bench Ads Management of South Florida, Inc.'s ("Bench Ads") proposal provides the City with the highest revenue and meets the basic requirements of the RFP, and

**WHEREAS**, the City Manager recommends that the City contract with Bench Ads to provide the requested services,

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:**

**Section 1.** ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

**Section 2.** AWARD OF BID: City of Miami Gardens hereby awards the bid for bus benches and bus bench advertising to Bench Ads Management of South Florida, Inc.

**Section 3.** AUTHORITY: The City Manager is hereby authorized to take all actions necessary to immediately implement the purposes and intent of this resolution, including the negotiation and execution of an agreement with Bench Ads Management of South Florida, Inc., pursuant to the RFP.

**Section 4.** EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON APRIL 14, 2004.**

\_\_\_\_\_  
SHIRLEY GIBSON, MAYOR

ATTEST:

\_\_\_\_\_  
RONETTA TAYLOR, CMC, CITY CLERK

SPONSORED BY: Danny O. Crew, City Manager

MOVED BY \_\_\_\_\_

**VOTE:**

Mayor Gibson	____(Yes)	____(No)
Vice Mayor Campbell	____(Yes)	____(No)
Councilman Melvin L. Bratton	____(Yes)	____(No)
Councilman Oscar Braynon, II	____(Yes)	____(No)
Councilwoman Audrey J. King	____(Yes)	____(No)
Councilwoman Sharon Pritchett	____(Yes)	____(No)
Councilwoman Barbara Watson	____(Yes)	____(No)